

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN S. PERRY,

Plaintiff,

v.

GREGORY C. BRIGGS, *et al.*,

Defendants.

No. 4:24-CV-00017

(Chief Judge Brann)

ORDER

AND NOW, this 18th day of April 2024, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Eighth Amendment Section 1983 claims are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.
2. Within 21 days of the date of this Order, Plaintiff, if desired, may file a second amended complaint in accordance with the accompanying Memorandum. Plaintiff must adhere to the specific directions provided by the Court in the accompanying Memorandum.
3. If no second amended complaint is timely filed, dismissal of Plaintiff's Section 1983 claims will automatically convert to dismissal with prejudice. At that time, the Court will determine whether to exercise supplemental jurisdiction over Plaintiff's state-law claims or to dismiss them without prejudice and close this case. *See* 28 U.S.C. § 1367(c).

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge